

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 103
SUPPORT RESPONSIBILITY OF RELATIVES

Section

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AUTHORITY: Implementing and authorized by Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X].

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Section 103.1 Incorporation by Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Added at 13 Ill. Reg. 3954, effective March 10, 1989)

Section 103.10 Support from Responsible Relatives

- a) The Department shall seek to obtain support for recipients from legally responsible individuals and shall seek the enforcement of support obligations with the following exception: the Department shall not seek to obtain support for residents of long term care facilities if income of the spouse in the community is less than or equal to the Community Spouse Maintenance Needs Standard (as described at 89 Ill. Adm. Code 120.61).
- b) The following persons are "responsible relatives" who are legally responsible for the financial support and maintenance of recipients:
 - 1) Spouse for spouse.
 - 2) Parents for children under 18 years of age.
- c) Responsible relatives who are receiving public assistance and/or Supplemental Security Income (SSI) benefits shall be considered unable to support.
- d) A parent is not legally responsible for the financial support and maintenance of a child of any age who has married (regardless of current marital status) and is not living with the parent or parents.

(Source: Amended at 22 Ill. Reg. 16318, effective August 28, 1998)

Section 103.20 Determination of Ability to Support

- a) Responsible relatives living apart from the recipient/assistance unit.
 - 1) For responsible relatives living apart from the recipient/assistance unit:
A responsible relative is liable for all assistance provided to or in behalf of the recipient, unless the relative establishes a lesser ability to support by providing the Department with income and asset information from which it can determine the relative's ability to support. However, the monthly support obligation assessed a responsible relative determined able to pay shall not exceed the average monthly amount of assistance provided by the Department to or in behalf of the recipient.
 - 2) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.
- b) Responsible relatives living apart or with the recipient/assistance unit.
 - 1) For responsible relatives living with the recipient/assistance unit: The Department shall determine a responsible relative's ability to support dependents according to the standards and asset limitation indicated below:
 - A) Aid to the Aged, Blind or Disabled (AABD)
The Department shall use the AABD financial assistance standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 113.140, to determine the relative's ability to support.
 - B) Medical Assistance - No Grant (AABD) - (MANG-AABD)
The Department shall use the MANG (AABD) assistance standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 120.7 and 120.362, to determine the relative's ability to support.
 - C) Aid to Families with Dependent Children (AFDC) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A to the gross income of the parents of persons receiving AFDC age 18 through 20. The gross income figure is that contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of

the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

D) MANG(C)

The Department shall use the MANG standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 120.8, to determine the relative's ability to support.

E) General Assistance (GA) (City of Chicago Only)

The Department shall use the family or adult payment level, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 114.250, to determine the relative's ability to support.

F) Aid to the Medically Indigent (AMI)

The Department shall use the AMI standard, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 120.10, to determine the relative's ability to support.

2) Responsible relative living apart from the recipient/assistance unit:

The Department shall apply Table A to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

c) Determine if a hospitalized/institutionalized individual is "living with" a responsible relative.

1) Aid to the Aged, Blind or Disabled (MANG and MAG) consider the client as living apart from a responsible relative for any month the client is hospitalized or institutionalized the first day of the calendar month through the last day of the calendar month. If an infant is hospitalized from birth through the end of the calendar month the client is considered hospitalized for the entire month. If a client is in a hospital/ institution on the first day of the calendar month but dies prior to the end of the calendar month consider the individual living apart from the responsible relative(s).

2) Aid to the Aged, Blind or Disabled (MANG) considers hospitalized or institutionalized spouses as living together as a couple if treating them as a couple is to their advantage in determining eligibility.

3) Aid to Families with Dependent Children (MAG) and MANG consider a hospitalized individual as living with the responsible relative if under the relative's control and supervision regardless of the length of hospitalization.

(Source: Amended at 13 Ill. Reg. 2496, effective February 14, 1989)

Section 103.25 Establishment of Support Obligations

Except in Title IV-D cases where support obligations shall be established in accordance with 89 Illinois Administrative Code 160.60, the Department shall establish a responsible relative's obligation to support in the following manner:

- a) A notice of obligation to support, a return envelope, and a statement of the responsible relative's rights and responsibilities are sent to the responsible relative via certified mail, return receipt requested.
 - 1) If the responsible relative does not respond to the notice within thirty days, the Department will issue a subpoena for records.
 - 2) If the responsible relative submits the necessary income records within thirty days, the Department determines the responsible relative's ability to support in accordance with Section 103.20.
- b) If the determination indicates there is no obligation, the case is closed.
- c) If the determination indicates there is an obligation to support, determination is made as to the amount of the obligation.
- d) If a support obligation exists, the Department sends a notice of support due to the responsible relative via registered or certified mail directing payment of the obligation.
- e) If the responsible relative fails to pay within thirty days of issuance of the notice of support due, the Department sends an Administrative Support Order via registered or certified mail. The responsible relative is notified of his or her right to petition for release from or modification of the Administrative Support Order within 30 days of the date of its mailing.

(Source: Added at 17 Ill. Reg. 655, effective December 31, 1992)

Section 103.30 Redetermination of Ability to Support

The Department will redetermine and, when indicated, adjust the amount of a support obligation on the basis of Table A if:

- a) The relative has sustained a significant reduction in income since the support obligation was determined, or
- b) There has been an increase in the number of the relative's dependents.

(Source: Amended at 6 Ill. Reg. 7441, effective June 16, 1982)

Section 103.35 Enforcement of Administrative Support Orders

If the legally responsible relative has failed for ninety (90) days after the effective date of the support order to make regular support payments according to the support order and a balance due is outstanding, the Department may take any or all of the following actions to collect the past due support:

- a) Referral to the Department's legal representative for judicial enforcement of the Administrative Support Order.
- b) Referral to the Comptroller of the State of Illinois for collection under Section 10.05 of the State Comptroller Act. (Ill. Rev. Stat. 1991, ch. 15, par. 210.05).
- c) Referral to a private collection agency for collection.

(Source: Added at 17 Ill. Reg. 655, effective December 31, 1992)

Section 103.40 Failure or Refusal to Provide Information Regarding Ability to Support

A responsible relative who refuses or fails upon request to provide the Department with income or assets information necessary to make a determination of ability to support shall remain liable for all assistance provided to or in behalf of the recipient.

(Source: Amended at 6 Ill. Reg. 7441, effective June 16, 1982)

Section 103.50 Modification or Release from Support Order

The responsible relative has the right to petition for modification of or release from the Department's order requiring the relative to provide support. The petition must be filed in writing with the Department no later than 30 days from the date of mailing of the support order.

(Source: Amended at 6 Ill. Reg. 7441, effective June 16, 1982)

103.Table A Standard for Determining Responsible Relative Liability

		Responsible Relative Liability					
		Number in Family (including recipient)					
* Gross Annual Income Range		2	3	4	5	6	7 or more**
\$ 7,000	\$ 7,500	\$ 5					
7,501	8,000	10					
8,001	8,500	15					
8,501	9,000	20	\$ 5				
9,001	9,500	25	10				
9,501	10,000	30	15				
10,001	10,500	35	20	\$ 5			
10,501	11,000	40	25	10			
11,001	11,500	45	30	15			
11,501	12,000	50	35	20	\$ 5		
12,001	12,500	55	40	25	10		
12,501	13,000	60	45	30	15		
13,001	13,500	65	50	35	20	\$ 5	
13,501	14,000	70	55	40	25	10	
14,001	14,500	75	60	45	30	15	
14,501	15,000	80	65	50	35	20	\$ 5
15,001	15,500	85	70	55	40	25	10
15,501	16,000	90	75	60	45	30	15
16,001	16,500	95	80	65	50	35	20
16,501	17,000	100	85	70	55	40	25
17,001	17,500	105	90	75	60	45	30
17,501	18,000	110	95	80	65	50	35
18,001	18,500	115	100	85	70	55	40
18,501	19,000	120	105	90	75	60	45
19,001	19,500	125	110	95	80	65	50
19,501	20,000	130	115	100	85	70	55
20,001	20,500	135	120	105	90	75	60
20,501	21,000	140	125	110	95	80	65
21,001	21,500	145	130	115	100	85	70
21,501	22,000	150	135	120	105	90	75

22,001	22,500	155	140	125	110	95	80
22,501	23,000	160	145	130	115	100	85
23,001	23,500	165	150	135	120	105	90
23,501	24,000	170	155	140	125	110	95
24,001	24,500	175	160	145	130	115	100
24,501	25,000	180	165	150	135	120	105
25,001	25,500	185	170	155	140	125	110
25,501	26,000	190	175	160	145	130	115
26,001	26,500	195	180	165	150	135	120
26,501	27,000	200	185	170	155	140	125
27,001	27,500	205	190	175	160	145	130
27,501	28,000	210	195	180	165	150	135
28,001	28,500	215	200	185	170	155	140
28,501	29,000	220	205	190	175	160	145
29,001	29,500	225	210	195	180	165	150
29,501	30,000	230	215	200	185	170	155
30,001	30,500	235	220	205	190	175	160
30,501	31,000	240	225	210	195	180	165
31,001	31,500	245	230	215	200	185	170
31,501	32,000	250	235	220	205	190	175
32,001	32,500	255	240	225	210	195	180
32,501	33,000	260	245	230	215	200	185
33,001	33,500	265	250	235	220	205	190
33,501	34,000	270	255	240	225	210	195
35,001	34,500	275	260	245	230	215	200
34,501	35,000	280	265	250	235	220	205
35,001	35,500	285	270	255	240	225	210
35,501	36,000	290	275	260	245	230	215
36,001	36,500	295	280	265	250	235	220
36,501	37,000	300	285	270	255	240	225
37,001	37,500	305	290	275	260	245	230
37,501	38,000	310	295	280	265	250	235
38,001	38,500	315	300	285	270	255	240
38,501	39,000	320	305	290	275	260	245
39,001	39,500	325	310	295	280	265	250
39,501	40,000	330	315	300	285	270	255
40,001	40,500	335	320	305	290	275	260
40,501	41,000	340	325	310	295	280	265
41,001	41,500	345	330	315	300	285	270

41,501	42,000	350	335	320	305	290	275
42,001	42,500	355	340	325	310	295	280
42,501	43,000	360	345	330	315	300	285
43,001	43,500	365	350	335	320	305	290
43,501	44,000	370	355	340	325	310	295
44,001	44,500	375	360	345	330	315	300
44,501	45,000	380	365	350	335	320	305
45,001	45,500	385	370	355	340	325	310
45,501	46,000	390	375	360	345	330	315
46,001	46,500	395	380	365	350	335	320
46,501	47,000	400	385	370	355	340	325
47,001	47,500	405	390	375	360	345	330
47,501	48,000	410	395	380	365	350	335
48,001	48,500	415	400	385	370	355	340
48,501	49,000	420	405	390	375	360	345
49,001	49,500	425	410	395	380	365	350
49,501	50,000	430	415	400	385	370	355

50,001 & over (continues at \$5.00 increments)

* Based on gross annual income as reflected on the responsible relative's Federal Income Tax Return.

** More than 7 in family (continues at \$5.00 increments)

(Source: Section repealed, new Section adopted at 11 Ill. Reg. 6493, effective March 27, 1987)